

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

LUIS D. RAMOS, JR.,	)	CASE NO. 1: 09 CV 506
	)	
Petitioner,	)	
	)	JUDGE DONALD C. NUGENT
v.	)	
	)	
RICH GANSHEIMER, Warden,	)	MEMORANDUM OPINION
	)	AND ORDER
Respondent.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kenneth S. McHargh. The Report and Recommendation is ADOPTED by this Court (ECF # 22), and Petitioner's Motion to Vacate, Set Aside, or Correct the Sentence pursuant to 28 U.S.C. § 2254 is DENIED (ECF # 1, ECF # 13).

The Report and Recommendation reflects that Petitioner is currently serving an aggregate prison term of six years, imposed after he entered a plea of guilty pursuant to the terms of a written plea agreement on September 29, 2006 (ECF # 22 at 3 (citation omitted)). Petitioner filed this motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 on March 6, 2009,<sup>1</sup> raising two grounds for relief (ECF # 1). Petitioner subsequently amended his motion, adding two additional grounds for relief (ECF # 13, ECF # 21).

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge McHargh for the preparation of a report and recommendation. On November 18, 2010, Magistrate Judge McHargh recommended that this Court deny the Petition. Petitioner has not filed any objections to the Report and Recommendation.

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<sup>1</sup> The Report and Recommendation mistakenly refers to the filing date as February 27, 2009 (ECF # 22 at 5).

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge McHargh's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the Report and Recommendation is ADOPTED in its entirety (ECF # 22). Petitioner's motion to vacate, set aside, or correct the sentence is DENIED (ECF # 1, ECF # 13).

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: March 11, 2011